

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SANDRA MIDKIFF, L.P.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Sandra Midkiff, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Midkiff's license to practice practical nursing.

FINDINGS OF FACT

1. Sandra Midkiff was issued License No. 0002-072955 to practice practical nursing by the Virginia Board of Nursing on February 10, 2006. Said license is set to expire on September 30, 2009.

2. During the course of her employment with Nursefinders and while assigned to Brandon Oaks Nursing and Rehabilitation Center, Roanoke, Virginia, from July 6, 2007, to July 10, 2007, Ms. Midkiff diverted Lortab (hydrocodone/APAP, Schedule III) from residents' supplies for her own personal and unauthorized use. She documented on residents' Medication Administration Records administering some of these medications when she had not actually done so.

3. Ms. Midkiff's employment with Nursefinders was terminated as a result of this diversion.

4. Ms. Midkiff is impaired due to the abuse of alcohol and/or other addicting drugs and from mental illness.

5. Ms. Midkiff signed a Participation Contract with the Health Practitioners' Intervention Program ("HPIP") on July 17, 2007, and a Recovery Monitoring Contract on December 17, 2007

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended ("Code") and 18 VAC 90-20-300(A)(2)(c) and (e) of the Board of Nursing Regulations.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

CONSENT

Sandra Midkiff, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice practical nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that it shall TAKE NO ACTION at this time contingent on Ms. Midkiff's continued compliance with her contract with the HPIP for the period specified by the HPIP and with the following conditions:

1. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Sandra Midkiff, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Midkiff shall be noticed to appear before the Board at such time as the Board is notified that:

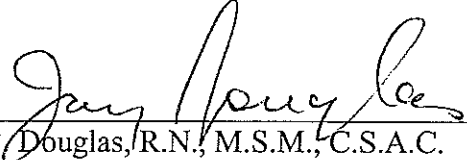
- a. She is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
- c. She has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Midkiff's participation in and compliance with the HPIP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

2. This Order is applicable to Sandra Midkiff's multistate licensure privileges, if any, to practice practical nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Midkiff shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

3. Sandra Midkiff shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD



Jay P. Douglas, R.N., M.S.M., C.S.A.C.

Executive Director, Virginia Board of Nursing

ENTERED: May 15th, 2008

SEEN AND AGREED TO:

Sandra Midkiff
Sandra Midkiff

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Botetourt, TO WIT:

Subscribed and sworn to before me, Nicole L. McLaughlin
Sandra Midkiff, a Notary Public, this 5 day of
May, 2008.

My commission expires 10-31-08.

Registration Number 346750.

Nicole L. McLaughlin
NOTARY PUBLIC



Certified True Copy
By amahan
Virginia Board of Nursing